UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/527,054</td><td>Applicant(s)
IDO ET AL.</td></tr>
<tr><td>Examiner
PHILIP WANG</td><td>Art Unit
2191</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 March 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 March 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _3/9/2005, 8/28/2008_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Detail Action

1.   This office action is in response to the application filed on 3/9/2005.

2.   Claims 1-14 are pending.

Priority

3.   The priority date considered for this application is 3/13/2003.

Specification

4.   The disclosure is objected to because of the following informalities: for example, page 5

of the specification contains a hyperlink. Further, the referenced hyperlink does not appear to

exist. It is suggested the Applicant file the referred document as IDS.

        Appropriate correction is required.

        The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or

other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 101

        35 U.S.C. 101 reads as follows:

        Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
        matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
        conditions and requirements of this title.

5.   Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. Claims 1-11 recite the limitation of a media distribution

apparatus and claim 12 recites the limitation of a media receiving apparatus. An apparatus

without specific inclusion of a piece of hardware can be interpreted as software. The Applicant

can overcome this rejection by amending the claims to include, for example, a processor or

memory in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 3, 8, 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of

Tischer et al. (herein Tischer, 2008/0192769).

As per claim 1,

Yonemoto discloses

--a storing section that stores a plural kinds of media data(Fig. 1 content transmission

server stores content.);

--a media distribution setting section that associates and sets a transmission

environment and a control information and; and a distributing section that sets a control

information and, and that distributes to a media receiving apparatus via a network of said

transmission environment([0164], "Fig. 8 shows a description example of "SMIL"…includes

the reproduction information...layout information..." where the SMIL file contains control

information. See Fig. 1 for a network transmission environment.)

 Yonemoto does not specifically discloses

--a distribution precedence for each of said plural kind of media data;

--a distribution precedence for each of various kinds of media data read from said storing section, based on a transmission environment and a distribution precedence and a control information for each of various kinds of media data set at said media distribution setting section.

However, Tischer discloses

--a distribution precedence for each of said plural kind of media data;

--a distribution precedence for each of various kinds of media data read from said storing section, based on a transmission environment and a distribution precedence and a control information for each of various kinds of media data set at said media distribution setting section ([0077], "…may additionally contain priorities for…transmitting data formats… The priority may be based on…the format of the data being transmitted..." where different formats are different types.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tischer into the teachings of Yonemoto to include the limitation disclosed by Tischer. The modification would be obvious to one of ordinary skill in the art to want to provide appropriate transmission service y using priority associated with data as suggested by Tischer ([0092]).

As per claim 3, the rejection of claim 1 is incorporated; Yonemoto discloses

wherein **said control information is a program control information for controlling an output form of a program which consists of a combination of said plural kinds of media data at said media receiving apparatus; wherein said media distribution setting section sets said distribution precedence to said program control information, depending on the**

media data classification included in said program; wherein the distribution section sets

a program control information for each of various kinds of media data read from said

storing section, based on a transmission environment and a program control information

for each of various kinds of media data set at said media distribution setting section, and

distributes to said media receiving apparatus via a network of said transmission

environment(additional to rejection in claim 1, [0164], "Fig. 8 shows a description example of

"SMIL"…includes the reproduction information…layout information…" where the reproduction

information controls the layout. see Fig. 36 for a plurality kinds of media -- audio, video, text...).

As per claim 8, the rejection of claim 3 is incorporated; Yonemoto discloses

wherein said program control information is a layout information for the purpose of

positioning a plurality of media data included in said program on a display apparatus of

said media receiving apparatus([0164], "Fig. 8 shows a description example of

"SMIL"…includes the reproduction information…layout information...")

As per claim 10, the rejection of claim 3 is incorporated;

Yonemoto discloses

wherein said program control information includes a port number for distributing said

program([0141], "… a port number specified by…").

As per claim 11, the rejection of claim 3 is incorporated;

Yonemoto discloses

wherein said media distribution setting section sets said distribution precedence to a

TOS (Type Of Service) field of an IP packet; wherein said distribution section constitutes

an IP packet by attaching a TOS field for each of various kinds of media data read from

said storing section, based on a transmission environment and the program control

information for each of various kinds of media data set at said media distribution setting

section, and distributes to said media receiving apparatus via a network of said

transmission environment using IP protocol ([0301], "…TOS field…in the IP header…";

[0302], "…utilizing a priority of the TOS field...according to priority...").

As per claim 13, it is the media distribution method claim reciting essentially the same limitation

of claim 1 and is therefore rejected for similar reason set forth in the rejection of claim 1.

7.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al.

(herein Yonemoto, USPGN 2003/0162495) in view of Tischer et al. (herein Tischer,

2008/0192769) and further in view of Schramm et al. (herein Schramm, USPGN

2006/0031749)

As per claim 9, the rejection of claim 3 is incorporated;

Yonemoto discloses

wherein said program control information is a coding method of media data included in

said program(FIG. 35 for example, Image coding, audio coding...).

Yonemoto/Tischer does not specifically disclose

 wherein said program control information is a bit rate information.

However,

Schramm discloses

wherein said program control information is a bit rate information(FIG 11 –see bitrate)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Schramm into the teachings of

Yonemoto/Tischer to include the limitation disclosed by Schramm. The modification would be

obvious to one of ordinary skill in the art to want to be able to control desired transmission

capacity by defining bit rate as desired capacity.

8.   Claims 2, 5, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Tischer et al. (herein

Tischer, 2008/0192769) and further in view of Friesen et al. (herein Friesen, USPGN

2004/0114522).

As per claim 2, the rejection of claim 1 is incorporated;

Yonemoto/ Tischer does not specifically disclose

wherein said media distribution setting section sets a high distribution precedence in the order

of media data having a small transmission bandwidth as said transmission environment.

 However, Friesen discloses

wherein said media distribution setting section sets a high distribution precedence in the order of media data having a small transmission bandwidth as said transmission environment([0006], "…the low bandwidth streams must receive high priority treatment…").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/ Tischer to include the limitation disclosed by Friesen. The modification would be obvious to one of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen ([0006], "…to achieve bandwidth granularity…").

As per claim 5, the rejection of claim 3 is incorporated;

Yonemoto discloses

wherein said media distribution setting section ([0164], "Fig. 8 shows a description example of "SMIL"…)

Yonemoto/ Tischer does not specifically disclose

sets a high distribution precedence to a program control information relating to a program

having a fewer media data classification of which is required by said program.

  However, Friesen discloses

sets a high distribution precedence to a program control information relating to a program having a fewer media data classification of which is required by said program([0006], "…the low bandwidth streams must receive high priority treatment…").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/ Tischer to include the limitation disclosed by Friesen. The modification would be obvious to one

of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen

([0006], "…to achieve bandwidth granularity…").

As per claim 6, the rejection of claim 3 is incorporated;

Yonemoto/ Tischer does not specifically disclose

wherein said media distribution setting section sets a high distribution precedence to a program

control information relating to a program that only includes static media data such as still image

and text, set higher than to a program control information relating to a program including

continuous media such as audio and video, in regard to the media data classification of which is

required by said program.

  However, Friesen discloses

wherein said media distribution setting section sets a high distribution precedence to a

program control information relating to a program that only includes static media data

such as still image and text, set higher than to a program control information relating to a

program including continuous media such as audio and video, in regard to the media

data classification of which is required by said program   ([0006], "…the low bandwidth

streams must receive high priority treatment…" where the static data is consider a low

bandwidth compared to continuous data.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/

Tischer to include the limitation disclosed by Friesen. The modification would be obvious to one

of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen

([0006], "…to achieve bandwidth granularity…").

.

As per claim 7, the rejection of claim 3 is incorporated;

Yonemoto/ Tischer does not specifically disclose

wherein said media distribution setting section sets said distribution precedence to said media

data and said program control information, and the distribution precedence to be set to the

program control information is set same as or lower than the distribution precedence of all

media data included in the program.

However, Friesen discloses

wherein said media distribution setting section sets said distribution precedence to said

media data and said program control information, and the distribution precedence to be

set to the program control information is set same as or lower than the distribution

precedence of all media data included in the program ([0006], "…the low bandwidth

streams must receive high priority treatment…" where the static data is consider a low

bandwidth compared to continuous data.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/

Tischer to include the limitation disclosed by Friesen. The modification would be obvious to one

of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen

([0006], "…to achieve bandwidth granularity…").

9.   Claims 4, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Tischer et al. (herein

Tischer, 2008/0192769) and further in view of Minter et al. (herein Minter, USPGN

2005/0020240).

As per claim 4, the rejection of claim 3 is incorporated; Yonemoto discloses

wherein said distribution section sets a program control information for each of various

kinds of media data read from said storing section, based on a transmission environment

and a program control information for each of various kinds of media data set at said

media distribution setting section(Fig. 1 content transmission server stores content; [0164],

"Fig. 8 shows a description example of "SMIL"…includes the reproduction information...layout

information..." where the SMIL file contains control information. See Fig. 1 for a network

transmission environment);

 Yonemoto/Tischer does not specifically disclose

distributes to said media receiving apparatus using a plurality of bearer channels.

However, Minter discloses

distributes to said media receiving apparatus using a plurality of bearer channels([0021],

"…a bearer services channel for transporting…certain control…" where the control is

transported using bearer channel. This is basically the idea of in-band signaling).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Minter into the teachings of

Yonemoto/Tischer to include the limitation disclosed by Minter. The modification would be

obvious to one of ordinary skill in the art to want to use bearer channel to transport control

information similar to in-band signaling such that it is simpler to manage since the system only

has to manage B-channel instead of both B and D channels.

As per claim 12,

Yonemoto discloses

a receiving section that receives a distribution data distributed from a media distribution apparatus by wireless communication(See Fig. 1), **and that demodulates a plurality of control information and a plurality of media data included in the distribution data; a packet receiving section that receives a plurality of media data and a plurality of control information demodulated by said receiving section for each of wireless channels as packets**(see Fig. 23 for packet and SAP messages; Fig1 Shows a wireless network); **a distribution data integrating section that integrates said distribution data and selecting a media data, to a plurality of control information and a plurality of media data included in a plurality of packets received at said packet receiving section; and a media data displaying and replaying section that displays and replays by decoding the distribution data integrated by said distribution data integrating section**([0022], "…the reception and reproduction of the multimedia information…").

Yonemoto does not specifically disclose

a distribution precedence set to the plurality of media data.

However, Tischer discloses

a distribution precedence set to the plurality of media data ([0077], "…may additionally contain priorities for…transmitting data formats… The priority may be based on…the format of the data being transmitted..." where different formats are different types.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tischer into the teachings of Yonemoto to include the limitation disclosed by Tischer. The modification would be obvious to one of ordinary skill in the art to want to provide appropriate transmission service y using priority associated with data as suggested by Tischer ([0092]).

Yonemoto/Tischer does not specifically disclose

channels are bearer channels

However, Minter discloses

channels are bearer channels ([0021], "…a bearer services channel for transporting…certain control…" where the control is transported using bearer channel. This is basically the idea of in-band signaling).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Minter into the teachings of Yonemoto/Tischer to include the limitation disclosed by Minter. The modification would be obvious to one of ordinary skill in the art to want to use bearer channel to transport control information similar to in-band signaling such that it is simpler to manage since the system only has to manage B-channel instead of both B and D channels.

As per claim 14, it is the media receiving method claim reciting similar limitations of claim 12 and is rejected for the same reason as for the rejection of claim 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip R. Wang/ 3/26/2009